

excess grant in that particular year. They have expended the amount without the permission of the House under the present year's Budget and now they want excess amount in the shape of Rs. 75,000, because that amount, without any sanction has been expended by them.

Some of the important demands are not coming under the financial year's budget. If any amount is taken out from the Contingency Fund, it will definitely come under excess grant. I will quote from Hasburi's Laws of England Third Edition, Volume 23, page 4. They have stated what is excess grants; if a demand exceeds in any year an amount of money which Parliament has allowed it to spend, then it must obtain the vote for the extra expenditure. This is obtained by means of additional grant called Excess Grant which should be sanctioned by the Parliament as soon as possible after the excess of expenditure has been ascertained. Then I quote Practice and Procedure of Indian Parliament by S. S. More on page 446. It is said that supplementary and additional grants would be necessary only when the amount named in ordinary estimates for a particular service is found to be insufficient for the purpose of current year or need arises during the current year for expenditure for that year. Only these two conditions are laid down under article 205. Please see these demands which I have mentioned just now and find out whether they come under the definition of supplementary or additional grants or whether they come under the Excess grants, and if they come under the excess grants, whether such a thing can be taken cognizance of by this House and considered as a supplementary grant. For that I will quote two incidents. One is, if greater part of supplementary demand has already been expended from the contingency fund, then, the Government cannot submit a supplementary grant but excess grant. I will submit from the same page 446 of S. S. More. There it is clearly stated that when greater part of supplementary demand asked for has already been expended, proper and regular procedure would be to make a demand for excess grant and not supplementary demand. For this I will submit one ruling of the Legislative Assembly Debate, Volume No. 2, 1929, pages 989-90. There it is stated, that demand for money already spent in excess of voted grant should not be made by way of supplementary demand but in the form of an excess demand. Secondly the same has been accepted in the practice and procedure book written by Shri Kaul on page 564. There it is said that the demands for money already spent in excess of voted grants are not made by way of supplementary grants, but in the form of excess grants. So, in this manner, if we consider the present supplementary estimates, each of the demands will come under the category of this definition. So, I humbly submit that these supplementary estimates which are placed before this House are not supplementary estimates under article 205 (1) (a) of the Constitution, but they come under article 205 (1) (b) of the Constitution. So, they cannot be taken unless they are placed before this House as Excess grant. I will submit why the Government is not bringing them in the shape of excess grants. It is only to save its skin and throw mud in the eyes of the people of this country. That is why they are coming before this House

(SRI M. NAGAPPA)

with supplementary budget by saying previous year's Bills have been adjusted in this. If an expenditure is not incurred in the financial year and if it has been forwarded to the budget in this year, then it is too late to present the estimates. The Department must draw upon the contingencies Fund to make good the deficiency. Then the excess is voted upon, telling them not to do it again. If they come in the form of excess grant, it will be a warning to the present Government that they have committed a mistake and they have committed a fraud on the people by presenting such supplementary grants and not presenting excess grants before this House. I submit most of the demands submitted on the floor of the House are all excess grants and not supplementary grants. They cannot be brought in any way other than as excess grants.

† Sri S. R. KANTHI.—Sir, the Hon'ble member has said that this is really a demand for excess grants and not supplementary grant. He quoted articles 204 and 205 and Shankar Rao More and other books. I will presently inform you that I am also quoting from other sources. In the first place so far as article 204(3) is concerned; it reads as follows:

“(3) Subject to the provisions of articles 205 and 206, no money shall be withdrawn from the Consolidated Fund of the State except under appropriation made by law passed in accordance with the provisions of this article.

That only means that moneys will have to be drawn subject to rules 205 and 206. Let us see what is article 205:

“(a) if the amount authorised by any law made in accordance with the provisions of article 204 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year.”

In terms of this article, the Government is called upon to submit a supplementary demand or an excess demand or an additional demand. These are the three things that the Government is called upon to present. The Hon'ble Member says that since the moneys which were due last year were paid this year, this becomes an excess grant. It is not an excess demand Sir. This is only a supplementary demand because it has been paid this year. The question of excess demand for a financial year does not arise at all unless the supplementary budget has not been presented. If the supplementary budget has been presented, there is no question of excess grants. So Sir, I submit that you have already pointed out while he was reading article (b) of 205, you emphasised on the phrase ‘for that year’. That is very important. ‘For that year’ means that year which has already elapsed. If that year has elapsed and Government did not take the care to bring in a supplementary demand,

in that case, excess demands will have to be made in the next year. You also said that so far as supplementary demand is concerned, if there is insufficiency of money provided in the Budget and the Government is called upon to incur expenditure on what is called new service or the instruments of new service all these things come. This is the financial year and these supplementary demands have been presented. This contains cases where money has been found to be insufficient and we have come with this supplementary demand.

I will also quote here—the Hon'ble Member quoted Shankarrao More. I will quote from Mookherjee: He says:

“It some times happens that money spent by the Department in excess of the amount granted by the Legislature when it is anticipated that the expenditure will go beyond the amount sanctioned, a supplementary estimate is ordinarily presented. If there is no time to take a supplementary grant, then excess expenditure may be unavoidable...”

If the Government fails to take or if there is no time for the Government to take the sanction of the House by means of supplementary grants, and the Government spends more, that comes under excess demand.

In the next para he says:

“The question of regularisation however arises. After the accounts of the year in which excess expenditure has been incurred have been audited and the exact amount ascertained, and the Public Accounts committee if any, has reported on it.....”

There are certain instances when Government spends money and Government does not bring a supplementary grant, and this has been pointed out by the Accountant General saying that moneys in excess of the amount voted has been spent and it is also submitted to the Public Accounts Committee—after all this is done, the question of bringing excess demands before the House arises. This is the financial year and the year 1967-68 is not yet over. That is why we have come before the House with a demand for Supplementary Grants. We feel that the money provided in the original budget is not sufficient and that is why we have come. There is no excess expenditure in the sense that is pointed out here.

† Sri DIGAMBARA RAO B. KALMANKAR.—While supporting the point of order raised by Sri Nagappa, I also want to show how there is difference between clause (1) (a) and (2) of article 25. After that I will also come to article 115 of the Constitution. Similar provision is also made regarding the transaction before Parliament. It has been said:

“(1) (a) If the amount authorised by any law made in accordance with the provisions of article 204 to be expended for a particular service for the current financial year is found to be insufficient for the purpose of that year.....”

(SRI DIGAMBARA RAO B. KALMANKAR)

In this supplementary, estimate are to be found on very many of the items on which monies have been spent without taking the sanction from this House and there are several such items : I can point out Demand No. 20 wherein it is mentioned.....

Mr. CHAIRMAN.—I am aware of this. The member need not repeat. If there is any fresh point, he can mention.

Sri DIGAMBARA RAO B. KALMANKAR.—My submission is, it has been mentioned in KAUL'S Practice and Procedure : I will read article 205 (b) :

“ if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year.....”

My submission is that this particular estimate that has come before this House is a supplementary estimate. This is not an estimate of excess grants and as it is seen from the reading of these demands they are excess grants. So, there is a defect in it. For these items there is a separate estimate to be prepared and they must come only in that way only :

I am reading page 56 of KAUL : about Article 115.

“ if the amount authorised to be expended by any law made in accordance with the provisions of 114 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year, or when a need has arisen during the current financial year for supplementary or additional expenditure upon some now service not contemplated in the annual financial statement for that year, or, ... the President shall cause to be laid before both Houses of Parliament another statement showing the estimated amount of that expenditure or cause to be presented to the House of the people a demand for such excess as the case may be.”

It is a separate thing. For the excess expenditure, there must be a separate estimate and my submission is that this supplementary estimate does not come under the criteria mentioned for supplementary estimates. These are items relating to excess expenditure which has already been incurred without a vote being taken from this House. That is my submission.

Sri H. N. NANJE GOWDA.—In support of the point of order raised by Mr. Nagappa, sanction was accorded by voting for the settlement of some pending Bills amounting to Rs. 23 lakhs of rupees and the S.S.L.C. examination was conducted in September 1966. Some budget allotments were made.....

Mr. CHAIRMAN.—I have read it. It need not be repeated.